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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/671,903
Filing Date: September 26, 2003
Appellant(s): GLADNEY, RICHARD F.

SEP 24 2007

GROUP 3600

Christopher P. Carroll
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/12/2007 appealing from the Office action mailed 7/25/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Whether claims 1, 2, 4, 6-13, and 18-29 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement.

Whether claims 1, 2, 6, 9, and 18-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,859,505 ("Jarvis").

Whether claims 4 and 29 stand rejected 35 U.S.C. 103(a) as being unpatentable over Jarvis.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,579,549	Selman et al.	12-1996
6,041,459	Nunez et al.	03-2000
5,077,849	Farley	01-1992
6,003,179	Farley	12-1999
4,092,749	Klancnik	06-1978
4,086,675	Talbert et al.	05-1978
5,537,699	Bonaddio et al.	7-1996
3,516,901	Fultz et al.	6-1970
3,608,107	Kentor et al.	09-1971

Art Unit: 3673

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

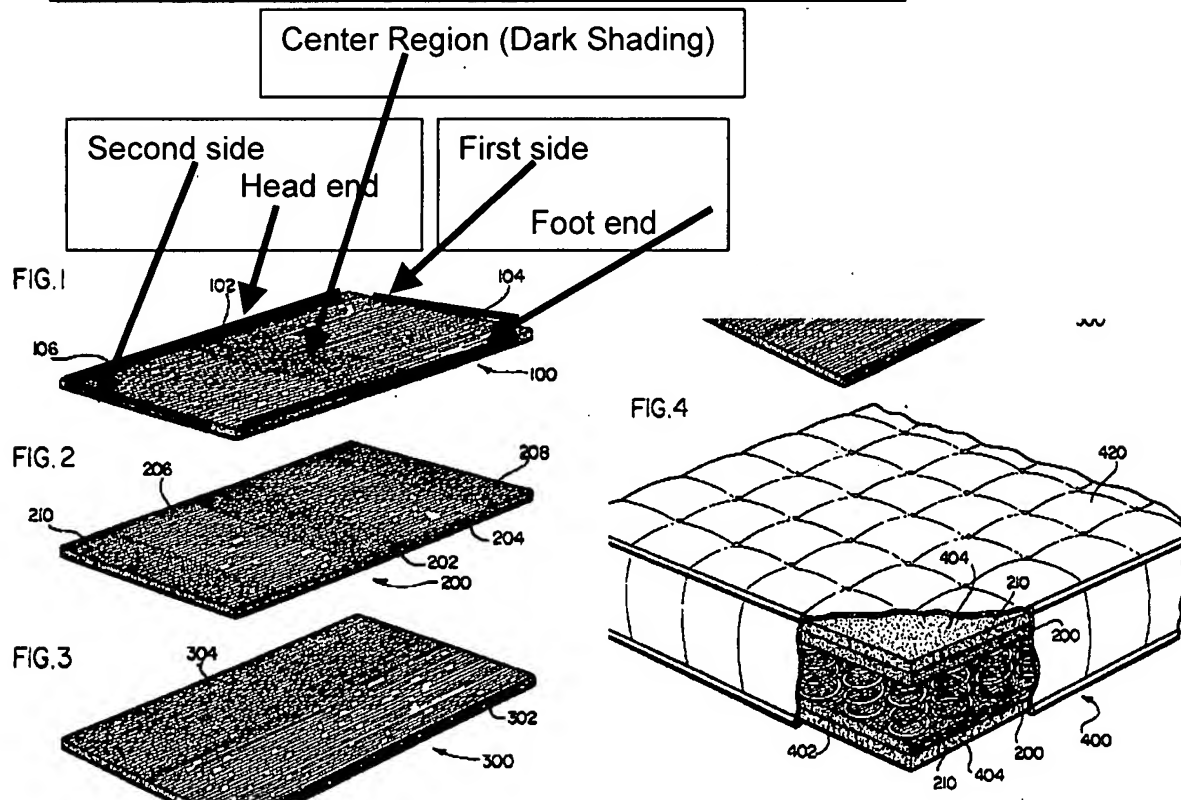
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2, 4, 6-8, 18-22, 24-27,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selman et al. (US 5579549) in view of Farley or Farley (US 5077849, 6003179).

Selman et al. disclose a mattress comprising a head end, a foot end, a first side and a second side and a center region (102) traversing the mattress from the head end to the foot end, (per the figures copied and marked up below), the center region including one or more materials that mitigate the emergence of a center ridge over repeated uses of the mattress.

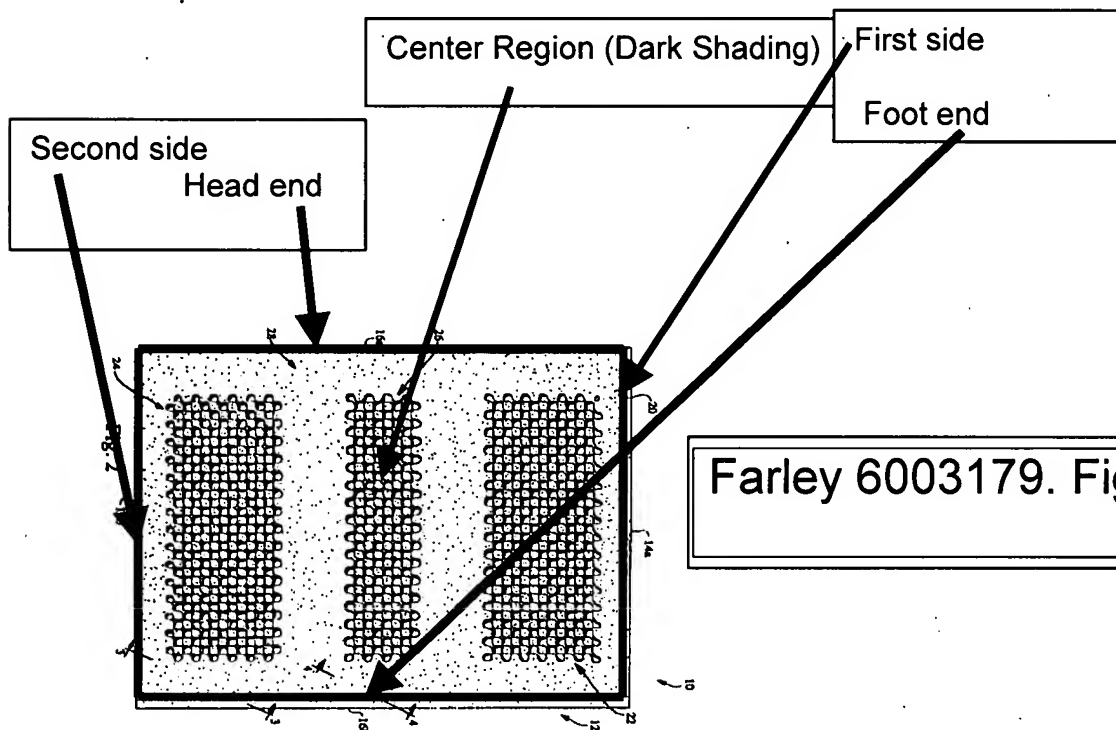
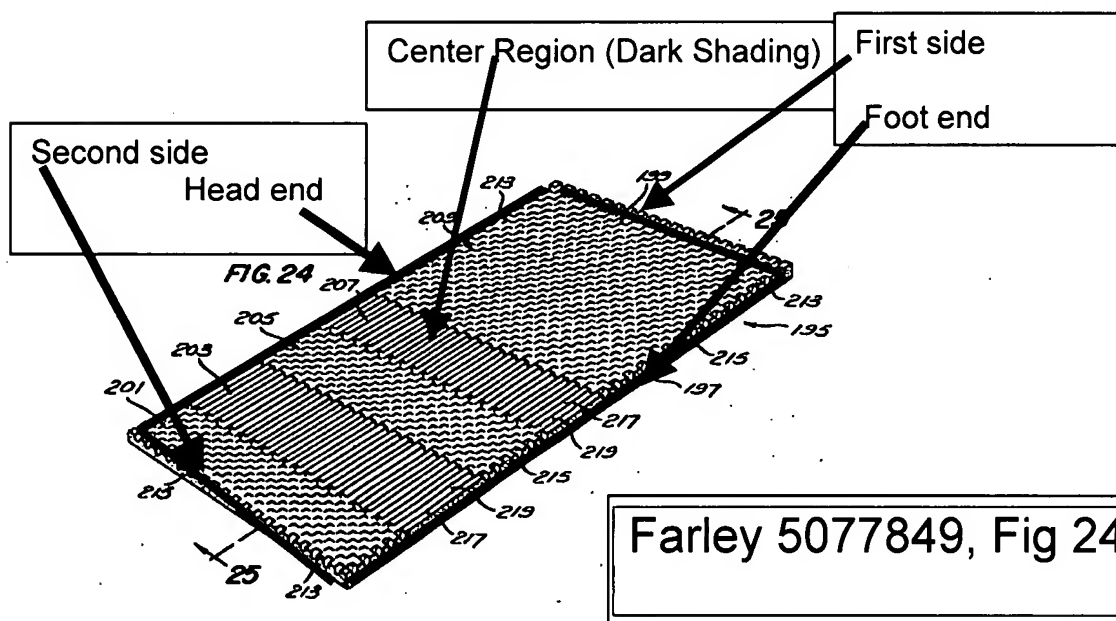
The center firmness is increased (see col. 3 lines 20-60). The center region is separated by an approximately equal distance from the first side and the second side. (see Fig. 1 copied below).

Selman et al. US 5579549, Figs 1-4



(Re claims 7 and 8) the quilted material and upholstery is considered as the members shown in Fig. 1. Selman et al. disclose the invention substantially as claimed.

However, Selman et al. is silent about the center region having a width of between about two inches and about twelve inches. Farley '849 and Farley '179 both teach a center region (207, 26, respectively) having a width of between about two inches and about twelve inches (see col. 15, col. 5 respectively). See Figs. 24, 2 below.



It would have been considered obvious to one of ordinary skill in the art to modify Selman et al. by making the width of the center region about 2-12 inches as taught by either Farley '849 or Farley '179 since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

With regards to the queen/king size limitation, the examiner takes Official Notice that Queen and King size mattresses are well known and old (see Kentor et al. US 3608107). Therefore, it would have considered obvious to one of ordinary skill in the art to further modify (once modified) Selman et al. to include the respective firmness to either a Queen/King size mattress since different size mattresses are old and well known and it would be a design choice to having varying firmness on full, Queen, King size mattress.

2. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selman et al. in view of either Farley '849 or Farley '085 as applied to claim 1 above, and further in view of Klancnik (US 4092749).

Selman et al. (once modified) discloses the invention substantially as claimed.

However, the (once modified) Selman et al. is silent about the spring core having a firmness center region increased/reduced relative to other regions of the mattress.

Klancnik teaches a core having a firmness center region increased/reduced relative to other regions of the mattress (see col. 5). It would have been considered obvious to

Art Unit: 3673

one of ordinary skill in the art to further modify the (once modified) Selman et al. to include a core having a firmness center region increased/reduced relative to other regions of the mattress as taught by Klancnik since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

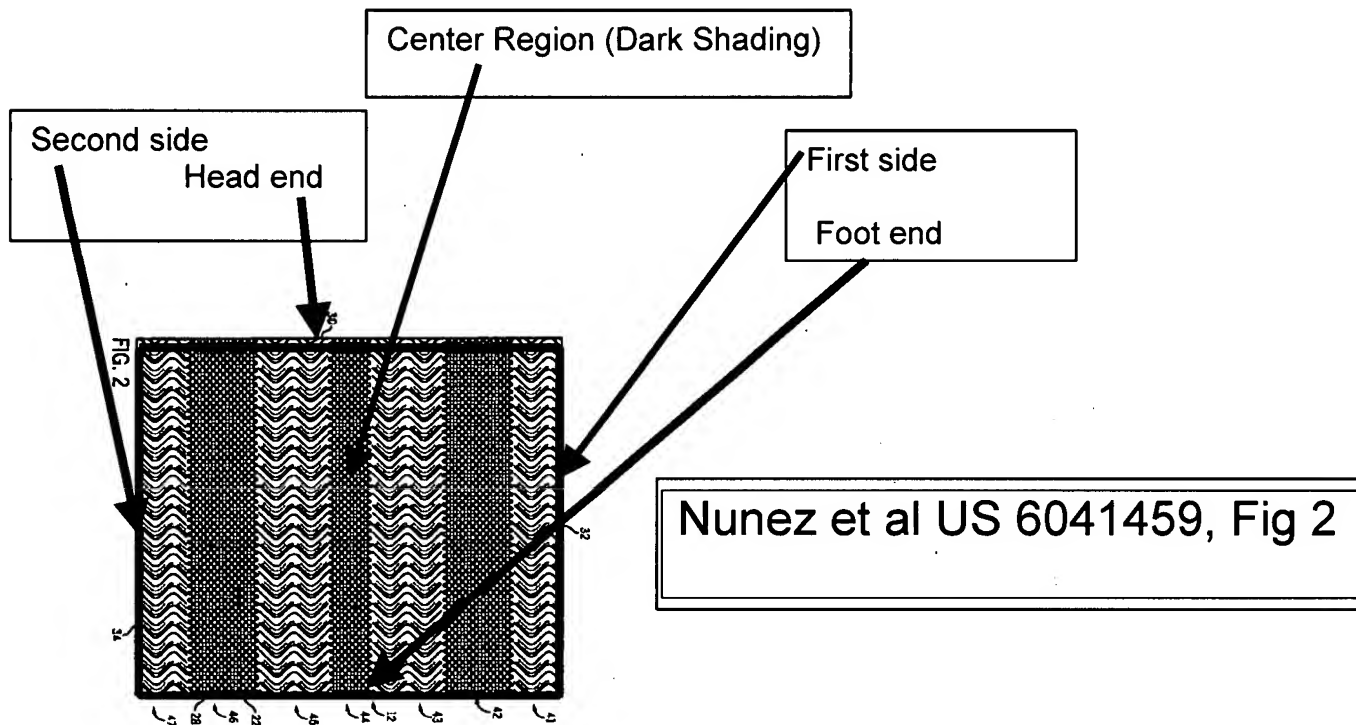
3. Claims 9, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selman et al. in view of either Farley '849 or Farley '085 as applied to claim 1 above, and further in view of Talbert et al. or Bonaddio et al. or Fultz et al. (US 4086675, 5537699, 3516901).

Selman et al. (once modified) discloses the invention substantially as claimed. However, the (once modified) Selman et al. lack a foam core having a firmness center region increased/reduced relative to other regions of the mattress. Talbert et al., Bonaddio et al. and Fultz et al. all teach a core having a firmness center region increased/reduced relative to other regions of the mattress (see col. 3; col. 3; col.2 and Figs. 1,6 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Selman et al. by substituting a foam core having a firmness center region increased/reduced relative to other regions of the mattress as taught by either Talbert et al., Bonaddio et al. or Fultz et al. for the spring core disclosed by Selman et al. since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

4. Claims 1,2, 4, 6-8, 18-22, 24-27,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunez et al. (US 6041459) in view of Farley or Farley (US 5077849, 6003179).

Nunez et al. disclose a mattress comprising a head end, a foot end, a first side and a second side and a center region (44) (per the figure copied and marked up below)

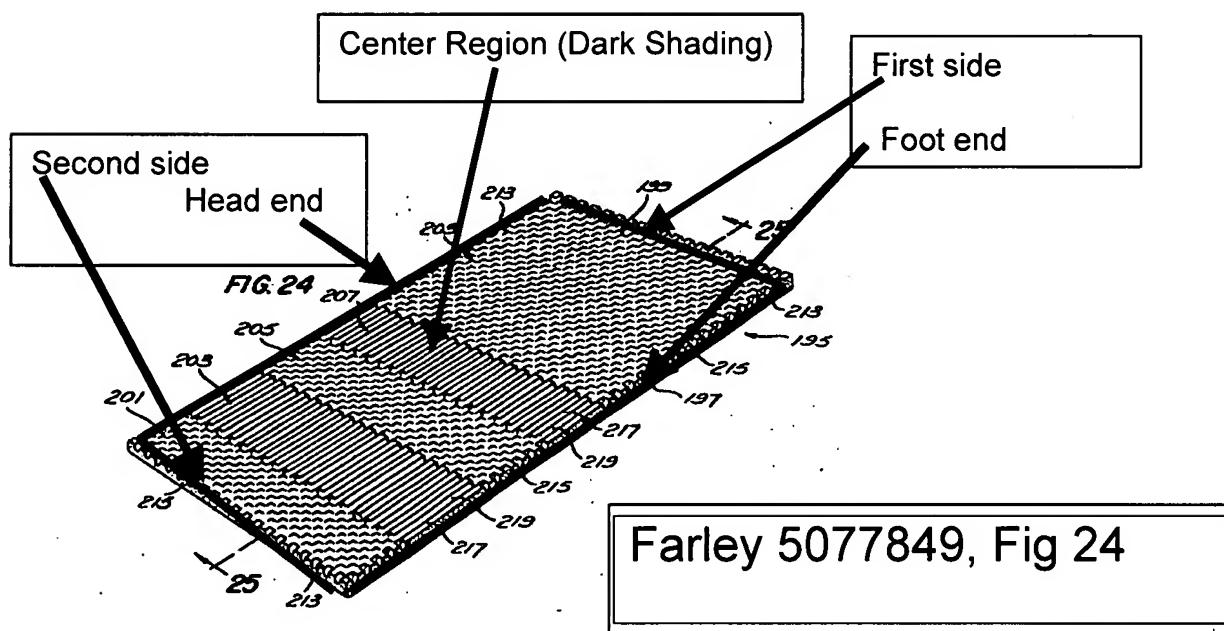
(see Fig. 2 copied below)

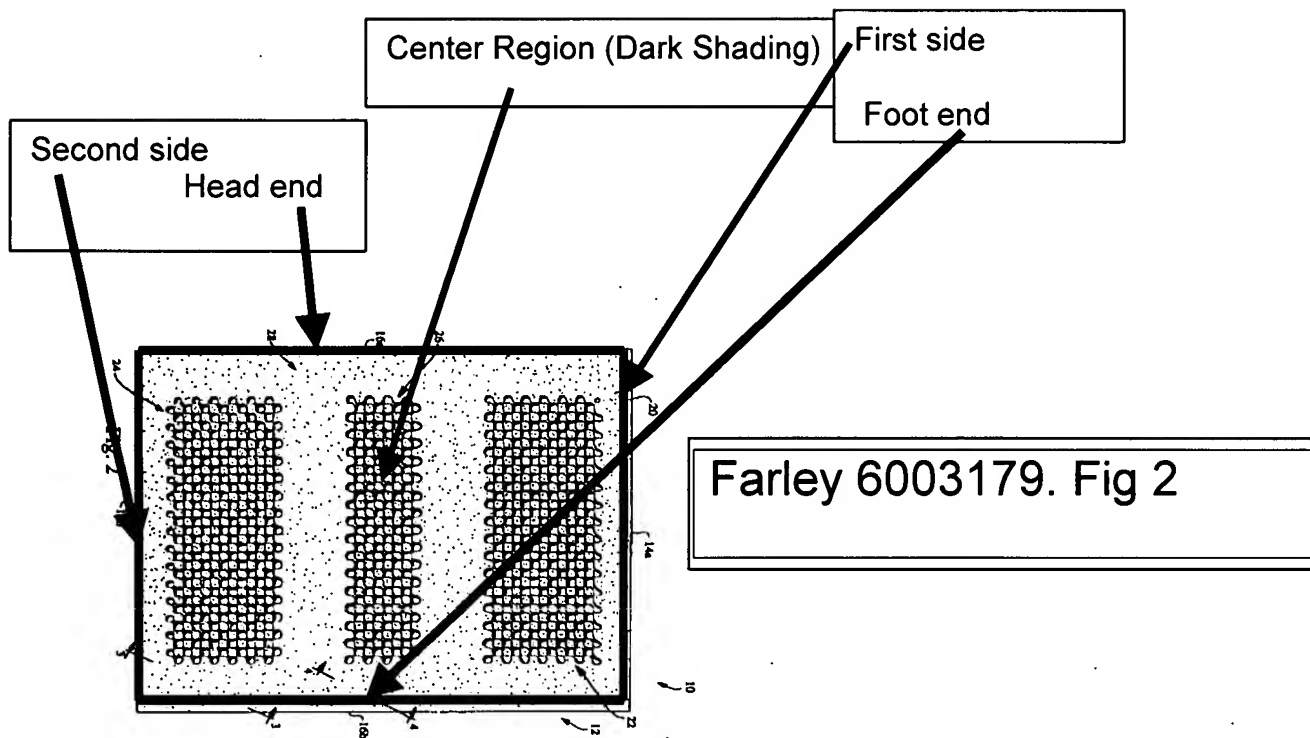


traversing the mattress from the head end to the foot end, the center region including one or more materials that mitigate the emergence of a center ridge over repeated uses of the mattress the center region. The center firmness is increased (see col. 4 lines 25-35). The center region is separated by an approximately equal distance from the first

Art Unit: 3673

side and the second side.(see Fig. 2). (Re claims 7 and 8) the quilted material and upholstery is considered as the members shown in Fig. 2. Nunez et al. disclose the invention substantially as claimed. However, Nunez et al. is silent about the center region having a width of between about two inches and about twelve inches. Farley '849 and Farley '179 both teach a center region (207, 26) having a width of between about two inches and about twelve inches (see col. 15, col. 5 respectively). (see Figs. 24 and 2 respectively copied below).





It would have been considered obvious to one of ordinary skill in the art to modify Nunez et al. by making the width of the center region about 2-12 inches as taught by either Farley '849 or Farley '179 since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

With regards to the queen/king size limitation, the examiner takes Official Notice that Queen and King size mattresses are well known and old (see Kentor et al. US 3608107). Therefore, it would have considered obvious to one of ordinary skill in the art to further modify the (once modified) Nunez et al. to include the respective firmness to either a Queen/King size mattress since different size mattresses are old and well

Art Unit: 3673

known and it would be a design choice to having varying firmness on full, Queen, King size mattress.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunez et al. in view of either Farley '849 or Farley '085 as applied to claim 1 above, and further in view of Klancnik (US 4092749).

Nunez et al. (once modified) discloses the invention substantially as claimed. However, the (once modified) Nunez et al. is silent about the spring core having a firmness center region increased/reduced relative to other regions of the mattress. Klancnik teaches a core having a firmness center region increased/reduced relative to other regions of the mattress (see col. 5). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Nunez et al. to include a core having a firmness center region increased/reduced relative to other regions of the mattress as taught by Klancnik since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

6. Claims 9, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunez et al. in view of either Farley '849 or Farley '085 as applied to claim 1 above, and further in view of Talbert et al. or Bonaddio et al. or Fultz et al. (US 4086675, 5537699, 3516901).

Art Unit: 3673

Nunez et al. (once modified) discloses the invention substantially as claimed. However, the (once modified) Nunez et al. lack a foam core having a firmness center region increased/reduced relative to other regions of the mattress. Talbert et al., Bonaddio et al. and Fultz et al. all teach a core having a firmness center region increased/reduced relative to other regions of the mattress (see col. 3; col. 3; col.2 and Figs. 1,6 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Nunez et al. by substituting a foam core having a firmness center region increased/reduced relative to other regions of the mattress as taught by either Talbert et al., Bonaddio et al. or Fultz et al. for the spring core disclosed by Nunez et al. since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

(10) Response to Argument

Appellant's arguments filed 6/12/07 have been fully considered but they are not persuasive. Appellant argues that Selman et al. fails to teach or suggest "a center region traversing the mattress from the head end to the foot end" as recited in claims 1, 18, 20, 21. The examiner disagrees. It should be noted that the head end and foot end of a mattress absent any structural limitation defining the head and foot ends is then determined by user. For example, as depicted in Figure 1 of Selman et al., appellant points out the head portion (104) and foot portion (106). However, if the user were to position his/her head at (106) and feet at (104), then the head portion becomes (106)

Art Unit: 3673

and foot portion becomes (104). To extend this logic, if one were to position his/her head (see marked up drawings above of Selman et al.) at what is illustrated as the head end and feet at what is illustrated as the foot end then Selman et al. clearly teach "a center region traversing the mattress from the head end to the foot end". The point being, the claims are totally devoid of any structural limitations precluding the examiner's interpretation of what the head end, foot end, first and second sides are. Appellant alleges that the examiner is modifying Selman et al. by indicating what is considered the head end, foot end, first and second sides. The examiner clearly is not modifying the structure of Selman et al. by pointing out what is considered as the head end, foot end, first and second sides because the structure is exactly the same. The head end and foot end are clearly determined by how one uses the mattress and so there is no modification to the structure by merely labelling one side the head end and opposite to that the foot end. Appellant alleges that by illustrating what is considered as the head end and foot end (see Fig. 1 of Selman et al. above), the examiner is changing the function or purpose of the center portion 102 from providing a different firmness to the mid-section of a person as intended and disclosed by Selman et al. Please note by the mere referencing of the head end and foot end (see Selman et al. Fig. 1 above), the examiner is not changing the structure at all. How the structure functions depends on how it is used. Appellant claims are directed to the product and not the method of use. Therefore, mere referencing does not change the function of the structure only the way one uses it affects functionality. The claims are clearly drawn to structure and not method of use.

Art Unit: 3673

Appellant argues that Farley '849 fails to teach or suggest "a center region traversing the mattress from the head end to the foot end" as recited in claim 1. Secondly, Appellant argues that Farley '849 fails to teach "a center region having a width of between about two inches and about twelve inches". The examiner disagrees. It should be noted that the head end and foot end of a mattress absent any structural limitation defining the head and foot ends is then determined by user. For example, as depicted in Figure 24 of Farley '849, appellant points out the head portion (201) and foot portion (209). However, if the user were to position his/her head at (209) and feet at (201), then the head portion becomes (209) and foot portion becomes (201). To extend this logic, if one were to position his/her head (see marked up drawings above of Farley '849) at what is illustrated as the head end and feet at what is illustrated as the foot end then Farley '849 clearly teach "a center region traversing the mattress from the head end to the foot end". The point being, the claims are totally devoid of any structural limitations precluding the examiner's interpretation of what the head end, foot end, first and second sides are. With regards to the second point, Farley '849 clearly teaches a center region (207) having a width of between two inches and about twelve inches (see col. 15 of Farley '849).

Appellant argues that Farley '179 fails to teach or suggest "a center region traversing the mattress from the head end to the foot end" as recited in claim 1. Secondly, Appellant argues that Farley '179 fails to teach "a center region having a width of between about two inches and about twelve inches". The examiner disagrees. It

Art Unit: 3673

should be noted that the head end and foot end of a mattress absent any structural limitation defining the head and foot ends is then determined by user. For example, as depicted in Figure 2 of Farley '179, appellant points out the head portion (22) and foot portion (24). However, if the user were to position his/her head at (24) and feet at (22), then the head portion becomes (24) and foot portion becomes (22). To extend this logic, if one were to position his/her head (see marked up drawings above of Farley '179) at what is illustrated as the head end and feet at what is illustrated as the foot end then Farley '179 clearly teach "a center region traversing the mattress from the head end to the foot end". The point being, the claims are totally devoid of any structural limitations precluding the examiner's interpretation of what the head end, foot end, first and second sides are. With regards to the second point, Farley '179 clearly teaches a center region (26) having a width of between two inches and about twelve inches (see col. 5 of Farley '179).

Appellant argues that Selman et al., Farley '849 and Farley '179 either alone or in combination fail to teach or suggest "a center region traversing the mattress from the head end to the foot end and thus the combination of Selman et al. in view of Farley '849 or Farley '179 fail to teach or suggest all of the elements of Claims 1,2,4,6-8,18-20, 24-27 and 29. The examiner disagrees. As discussed extensively above, Selman et al., Farley '849 and Farley '179 all teach a center region traversing the mattress from the head end to the foot end" see drawings above of Selman et al. Farley '849 and Farley '179.

Art Unit: 3673

Appellant alleges that by illustrating what is considered as the head end and foot end (see Fig. 1 of Selman et al. above), the examiner is changing the function or purpose of providing a different amount of firmness to one portion of a person's body than another portion of the person's body. Please note by the mere referencing of the head end and foot end (see Selman et al. Fig. 1 above), the examiner is not changing the structure at all. How the structure functions depends on how it is used. Appellant claims are directed to the product and not the method of use. Therefore, mere referencing does not change the function of the structure only the way one uses it affects functionality. The claims are clearly drawn to structure and not method of use.

Appellant alleges that by illustrating what is considered as the head end and foot end (see Fig. 1 of Selman et al. above, Fig. 24 of Farley '849 and Fig. 2 of Farley '179), the examiner is changing the function or purpose of the structure to be unsatisfactory and therefore the combination is non-obvious. Please note by the mere referencing of the head end and foot end (see Selman et al. Fig. 1 above, Fig. 24 of Farley '849 and Fig. 2 of Farley '179 above), the examiner is not changing the structure at all. How the structure functions depends on how it is used. Appellant claims are directed to the product and not the method of use. Therefore, mere referencing does not change the function of the structure only the way one uses it affects functionality. The claims are clearly drawn to structure and not method of use. Therefore, it would have been considered obvious to one of ordinary skill in the art to modify Selman et al. by making the width of the center region about 2-12 inches as taught by either Farley '849 or

Art Unit: 3673

Farley '179 since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body. It should be noted that the "center region" of Selman et al., Farley '849 and Farley '179 all run in the same direction and therefore, modifying Selman et al. center region to have the width of Farley '849 or Farley '179 center region is not considered hindsight or contradictory but obvious to one skilled in the art to provide different amount of firmness to one portion of a person's body than another portion of the person's body.

Appellant argues that Klancnik discloses strips that do not **completely** traverse the mattress from the head end to foot end and define a center region having a width of between about two inches and about twelve inches. Further appellant argues that Klancnik fail to teach preventing the formation of a central ridge because Klancnik is interested in solving a completely different problem of edge stability. It should be noted that the claims do not require for strips to completely traverse the mattress from the head end to the foot end. Therefore such argument is far more limiting than the claimed subject matter. The examiner is not relying on Klancnik for teaching a center region having a width of between two inches and about twelve inches. Such limitation is taught by Farley '849 and Farley '179 (see above discussion). In response to applicant's argument that Klancnik fail to teach preventing the formation of a central ridge because Klancnik is interested in solving a completely different problem of edge stability, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the

Art Unit: 3673

differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). It should be noted that Klancnik teaches a core having a firmness center region increased/reduced relative to other regions of the mattress (see col. 5). Therefore, it would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Selman et al. to include a core having a firmness center region increased/reduced relative to other regions of the mattress as taught by Klancnik since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

With regards to Section F of the Argument Section of appellant brief, appellant adds no new argument as to why claims 9, 12 and 13 should not be rejected by Selman et al. in view of Farley '849 or Farley '179 in further view of Talbert et al. or Bonaddio et al. or Fultz et al. Instead appellant is relying on arguments that Selman et al., Farley '849 and Farley '179 do not teach "a center region traversing the mattress from the head end to the foot end". As repeatedly pointed above, Selman et al., Farley '849 and Farley '179 do teach "a center region traversing the mattress from the head end to the foot end" see Figures to Selman et al., Farley '849 and Farley '179 above.

Appellant argues that Nunez et al. fails to teach or suggest "a center region traversing the mattress from the head end to the foot end" as recited in claims 1, 18, 20. The examiner disagrees. It should be noted that the head end and foot end of a mattress absent any structural limitation defining the head and foot ends is then

Art Unit: 3673

determined by user. For example, as depicted in Figure 2 of Nunez et al., appellant points out the head portion (41) and foot portion (47). However, if the user were to position his/her head at (47) and feet at (41), then the head portion becomes (47) and foot portion becomes (41). To extend this logic, if one were to position his/her head (see marked up drawings above of Nunez et al.) at what is illustrated as the head end and feet at what is illustrated as the foot end then Nunez et al. clearly teach "a center region traversing the mattress from the head end to the foot end". The point being, the claims are totally devoid of any structural limitations precluding the examiner's interpretation of what the head end, foot end, first and second sides are.

Appellant alleges that the examiner is modifying Nunez et al. by indicating what is considered the head end, foot end, first and second sides. The examiner clearly is not modifying the structure of Nunez et al. by pointing out what is considered as the head end, foot end, first and second sides because the structure is exactly the same. The head end and foot end are clearly determined by how one uses the mattress and so there is no modification to the structure by merely labelling one side the head end and opposite to that the foot end. Appellant alleges that by illustrating what is considered as the head end and foot end (see Fig. 2 of Nunez et al. above), the examiner is changing the function or purpose of the center portion 44 from providing a different firmness to the mid-section of a person as intended and disclosed by Nunez et al. Please note by the mere referencing of the head end and foot end (see Nunez et al. Fig. 2 above), the examiner is not changing the structure at all. How the structure functions depends on

Art Unit: 3673

how it is used. Appellant claims are directed to the product and not the method of use. Therefore, mere referencing does not change the function of the structure only the way one uses it affects functionality. The claims are clearly drawn to structure and not method of use.

Appellant argues that Farley '849 fails to teach or suggest "a center region traversing the mattress from the head end to the foot end" as recited in claim 1. Secondly, Appellant argues that Farley '849 fails to teach "a center region having a width of between about two inches and about twelve inches". The examiner disagrees. It should be noted that the head end and foot end of a mattress absent any structural limitation defining the head and foot ends is then determined by user. For example, as depicted in Figure 24 of Farley '849, appellant points out the head portion (201) and foot portion (209). However, if the user were to position his/her head at (209) and feet at (201), then the head portion becomes (209) and foot portion becomes (201). To extend this logic, if one were to position his/her head (see marked up drawings above of Farley '849) at what is illustrated as the head end and feet at what is illustrated as the foot end then Farley '849 clearly teach "a center region traversing the mattress from the head end to the foot end". The point being, the claims are totally devoid of any structural limitations precluding the examiner's interpretation of what the head end, foot end, first and second sides are. With regards to the second point, Farley '849 clearly teaches a center region (207) having a width of between two inches and about twelve inches (see col. 15 of Farley '849).

Art Unit: 3673

Appellant argues that Farley '179 fails to teach or suggest "a center region traversing the mattress from the head end to the foot end" as recited in claim 1. Secondly, Appellant argues that Farley '179 fails to teach "a center region having a width of between about two inches and about twelve inches". The examiner disagrees. It should be noted that the head end and foot end of a mattress absent any structural limitation defining the head and foot ends is then determined by user. For example, as depicted in Figure 2 of Farley '179, appellant points out the head portion (22) and foot portion (24). However, if the user were to position his/her head at (24) and feet at (22), then the head portion becomes (24) and foot portion becomes (22). To extend this logic, if one were to position his/her head (see marked up drawings above of Farley '179) at what is illustrated as the head end and feet at what is illustrated as the foot end then Farley '179 clearly teach "a center region traversing the mattress from the head end to the foot end". The point being, the claims are totally devoid of any structural limitations precluding the examiner's interpretation of what the head end, foot end, first and second sides are. With regards to the second point, Farley '179 clearly teaches a center region (26) having a width of between two inches and about twelve inches (see col. 5 of Farley '179).

Appellant argues that Nunez et al., Farley '849 and Farley '179 either alone or in combination fail to teach or suggest "a center region traversing the mattress from the head end to the foot end and thus the combination of Nunez et al. in view of Farley '849 or Farley '179 fail to teach or suggest all of the elements of Claims 1,2,4,6-8,18-20, 24-

Art Unit: 3673

27 and 29. The examiner disagrees. As discussed extensively above, Nunez et al., Farley '849 and Farley '179 all teach a center region traversing the mattress from the head end to the foot end" see drawings above of Nunez et al. Farley '849 and Farley '179.

Appellant alleges that by illustrating what is considered as the head end and foot end (see Fig. 2 of Nunez et al. above), the examiner is changing the function or purpose of providing a different amount of firmness to one portion of a person's body than another portion of the person's body. Please note by the mere referencing of the head end and foot end (see Nunez et al. Fig. 2 above), the examiner is not changing the structure at all. How the structure functions depends on how it is used. Appellant claims are directed to the product and not the method of use. Therefore, mere referencing does not change the function of the structure only the way one uses it affects functionality. The claims are clearly drawn to structure and not method of use.

Appellant alleges that by illustrating what is considered as the head end and foot end (see Fig. 2 of Nunez et al. above, Fig. 24 of Farley '849 and Fig. 2 of Farley '179), the examiner is changing the function or purpose of the structure to be unsatisfactory and therefore the combination is non-obvious. Please note by the mere referencing of the head end and foot end (see Nunez et al. Fig. 2 above, Fig. 24 of Farley '849 and Fig. 2 of Farley '179 above), the examiner is not changing the structure at all. How the structure functions depends on how it is used. Appellant claims are directed to the

Art Unit: 3673

product and not the method of use. Therefore, mere referencing does not change the function of the structure only the way one uses it affects functionality. The claims are clearly drawn to structure and not method of use. Therefore, it would have been considered obvious to one of ordinary skill in the art to modify Nunez et al. by making the width of the center region about 2-12 inches as taught by either Farley '849 or Farley '179 since such a modification allows for providing different amount of firmness to one portion of a person's body than another portion of the person's body.

It should be noted that the "center region" of Nunez et al., Farley '849 and Farley '179 all run in the same direction and therefore, modifying Nunez et al. center region to have the width of Farley '849 or Farley '179 center region is not considered hindsight or contradictory but obvious to one skilled in the art to provide different amount of firmness to one portion of a person's body than another portion of the person's body.

With regards to Section H of the Argument Section of appellant brief, appellant adds no new argument as to why claims 9-11 should not be rejected by Nunez et al. in view of Farley '849 or Farley '179 in further view of Klancnik. Instead appellant is relying on arguments that Nunez et al., Farley '849 and Farley '179 do not teach "a center region traversing the mattress from the head end to the foot end". As repeatedly pointed above, Nunez et al., Farley '849 and Farley '179 do teach "a center region traversing the mattress from the head end to the foot end" see Figures to Selman et al., Farley '849 and Farley '179 above.

Art Unit: 3673

With regards to Section I of the Argument Section of appellant brief, appellant adds no new argument as to why claims 9, 12, and 13 should not be rejected by Nunez et al. in view of Farley '849 or Farley '179 in further view of Talbert et al. or Bonaddio et al. or Fultz et al. Instead appellant is relying on arguments that Nunez et al., Farley '849 and Farley '179 do not teach "a center region traversing the mattress from the head end to the foot end". As repeatedly pointed above, Nunez et al., Farley '849 and Farley '179 do teach "a center region traversing the mattress from the head end to the foot end" see Figures to Nunez et al., Farley '849 and Farley '179 above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 3673

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SUNIL SINGH
PRIMARY PATENT EXAMINER



Sunil Singh

Art Unit 3673

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